FROM TUESDAY'S DAILY

SUSPECTED OF MURDER .- Says the Oregonian: "Gus. Marple, a worthless sort of fellow whose exploits are recorded in the history of criminals in this state, and who is well known to the old members of the old police here, was arrested at Lafayette a day or two since charged with assaulting a Chinaman with intent to kill. It seems that Marple and a com-panion equally worthless were skulking at night around the outskirts of Lafayette engaged in some piece of deviltry when they came by the shanties of some Chinese employed in grubbing. They commenced throwing stones at these shanties and a Chinaman came out and ran them off. They then went back, and having taken up a stronger position renewed the A Chinaman came out after them with a bamboo pole and they again ran, the Chinaman pursuing. Presently Marple turned and fired two or three shots from his revolver at the Chinaman. who fell down. Supposing that he was killed, Marple ran to his house with his companion and told the women folks if any questions were asked to say that they had been at home all the evening playing cards. The matter was investi-gated and Marple arrested. Circumstan-ces since brought to light strongly indicate that Marple is the murderer of D. J. Corker, the hardware merchant brutally slaughtered in his bed on the night of November 1. Marple is the fellow who some nine years since, in connection with one Barnes, committed a series of daring and extensive robberies along the Willamette, from Eola down to Champoeg. When they were caught Marple turned state's evidence, his partner Barnes was convicted and sent to the penitentiary. Marple told where the plunder was concealed and officers from this city secured a large amount of goods. Barnes got out of the penitentiary some years since and two years ago was sent up again for a long term for rape. Marple has been rambling about since, living in Marion and Benton counties and a few months since came to Lafayette. He has worked at odd jobs, cleaning wells and such like work, but had no regular occupation. Parties here who know him feel satisfied that the murder of Corker will be brought home to him.

LA CAMAS PAPER MILL BURNED .- On Saturday night, the immense mills of the Columbia River Paper Co., at La Camas, W. T., were totally destroyed by fire. The fire caught in a pile of paper in the bleaching room, but how it caught is not known. The mills were built in 1884 and began working in 1885. The main building was 132x80 feet, 21g stories high above the basement. The wing or ma-chine room was 26x156, one tall story above the basement. Those who have never seen the mill can form some idea of its size when they learn that it was about as large as the Mechanics' pavilion. The winter's supply of raw material, consisting of 400 tons of jute and 700 tons of stored in the mill yard, caught from burning embers and was destroyed. About 105 tons of manufactured wrapper manilla and newspaper burned in the mill. The total loss is between \$90,000 and \$95,000; insurance, \$45,000, of which \$30,000 was placed in Portland and \$15,000 in San Francisco. The mill was owned entirely by Portland men, and gave employment to 74 men and women. The mill will probably be rebuilt

THE PORTLAND MURDER.-The murdered man found in the "ruins" of the hotel which Villard began to build at Portland, mentioned in a special to this paper of Sunday, has been identified as a man who, at a saloon owned by Billy Ayres, gave his name as Kenealy, and said he was a millstone dresser, and was en route to Montana, where he had a have been several discoveries made relatthe famous murder of the woman Merlotin in Portland, less than a year ago, but nothing has been learned that would point directly toward any one as the perpetrator of the deed. It is now thought robbery was the cause of the murder, and that the \$25 found in his overalls were overlooked, or were left there for

the boy murderer, recently brought to next Friday evening, and all persons, be-the penitentiary from Baker county, sides the members of the societies, who made two attempts to commit suicide on are so fortunate as to receive an invita-friday night. He is in such bodily condition that he requires constant medical treatment so is kept in the hospital ward. He tied a handkerchief around his neck and tied a rope to that. He then tied the rope to a clothes line stretched across the room, mounted a stool and jumped off. His weight, however, was too great, as the clothes line let him down onto the floor. He was released by the guards and later made a second attempt to end sized near Amity on Thursday by Inspechis own meager existence, but with the same result. Had he tried this dodge before he committed his manifold crimes, and been successful, the state of Oregon would have been greatly benefited:

SALEM GIRL AT PORTLAND. - Says the Sunday Oregonian: On Friday evening Miss Addie Cox gave a most enjoyable "keno" party at the residence of her brother, Dr. Norris R. Cox, corner of Second and Columbia steets. After the game of the evening, a most delicious supper was served, after which the popu-"apron hemstitching" in. Those present Mrs. N. R. Cox. lar game of was indulged were: Dr. and Mrs. N. R. Cox. Mr. and Mrs. Homer Hathaway, Miss May Prentice, Miss Spencer, Miss Luelling, Miss Palmer, Miss Fannie Plummer, Miss Wilson, Miss Cox, Miss Wesivold, Miss Dickinson, and Messrs. Crowell, Kelling, Carson, Ashley, Corrant, and

FOR CALIFORNIA.—This afternoon, Mrs. Frank Parmenter and Miss Loru Chapman, daughter of County Clerk Chap-man, will leave for California, where they will remain during the winter. They will be in San Jose during the greater part of the time. It is a lamentable fact that a large number of Salem's fair daughters have taken up their residence in California during the past few months. If the exodus continues in this wise very much longer, it is safe to say that the average Salem young man will have relapsed into a state of barbarity before the return of the "flowers that bloom in the spring," the time when these young ladies are expected to return.

RETURNED FROM EUROPE,-Prof. T. M. Gatch, formerly of the Willamette University, but at present president of the Wasco academy at The Dalles, has been traveling in Europe during the past summer, having returned home one week ago. He spent Sunday in this city visiting his son Claude, and went to Eugene yesterday morning. Prof. Gatch reports having had a very pleasant trip, having visited all the principal points of interest in Scotland, England, Ireland, Holland, and France. He took a trip up the Rhine, and saw the beauties of that wonderful and historic stream. Prof. Gatch made this trip in the interests of education, and he says he is now better satisfied with American educational institutions and in fact with all that is American since his return. He, at least, was perfectly satisfied with American railways and their accommodations, saying that the roads of the old countries are far be hind the American railways in the matter of passenger accommodations.

WHISKY TO INDIANS .- On Sunday, City Marshal Harbord, who is deputy U. S. marshal, arrested one Thomas Smith, a tourist whose sole occupation consists in "doing this and other counties as a pe-destrian gentleman of leisure," for hav-ing furnished the fluid that does not cheer but inebriates, to a ward of Uncle Samuel, surnamed Ben, who has his habitation in a cabin near the passenger depot. Smith, however, had possession of the cabin at the time of his arrest, and Ben, who is the Indian that was jammed up in the railroad accident at Lake Lahish in 1884, was lying on the ground, by the fire, in a very far gone state of intoxication. Smith will go to Portland to-day. He claims he thought Ben was a Spaniard, which shows that, even if he is a traveler, he is not a linguist, and can't distinguish between the sweet, flowery language of Castile, and Ben's deep guttural chin music.

New Quarters.-The carpenters and painters have been busy for some time fixing up the room west of the Court street bakery for the new headquarters of the Woman's Christian Temperance Union. Then the deft fingers of the ladies have been arranging and decorating preparatory to their usual weekly meeting at 2:30 p. m. to-day. As arrangements are to be made about the free reading room and the library, and a for-mal opening to the public and some attractive entertainments, it is earnestly requesed that every member of the union will be present. The advice and counsel of the gentlemen honorary members will be very acceptable. All ladies interested in practical temperance work are very cordially invited to be present to learn of the spirit and character of the work proposed and to offer suggestions as to great-

THAT ROAD CASE.-The case of the State of Oregon vs. J. W. Irwin, was examined before Justice Payne in Salem precinct court yesterday, and Irwin was sentenced to pay a fine of \$25 and costs. The case is one wherein Irwin was accused of obstructing the public highway he having fenced up a new road, opened by the supervisor of the road district from State street extension to Asylum avenue He fenced it up at the instance of the board of asylum commissioners, claimed that the county had no right to order the opening of a road thrugh lands owned by the state. An appeal will be taken to the circuit court on the ground that Justice Payne erred in holding that the opening of said road was legal. N. B. Knight appeared as attorney for the state, and W. M. Kaiser for the defense,

On TRIAL,-James Kelly, the Portland saloonkeeper, is now on trial before Cirbrother, who, he said, had sent money to take him there. He was from Tacoma, last, and had been working for the N. P. is attracting peculiar interest in Portland, railroad, at the Cascade tunnel. There ring the trial has created an impression ing to the murder, which is the most hor-rible reported in Western Oregon since calls for a thorough trial and deep justice in the matter. Another thing of interest was the absence of Moran, the principal witness for the state, who it was supposed was detained in jail, but who, on being called, could not be found

THE JOINT MEETING .- An excellent programme has been prepared for the joint meeting which is to be held by the Alka-ATTEMPTED SCICIDE.-Fred Winkelman, Hesperian and Athenseum societies on After the programme has been rendered, a lunch will be served to the members and invited guests. Any member of the society who desires an invitation for a friend or friends, can obtain the same by application to the committee.

SCAB.-We learn that about 300 head of scabby sheep from Polk county were tor Nelson. It is hoped that now this business will receive official attention that no further complaints may be heard Mr. Nelson says the sheep are in bad condition, and will have to be thoroughly cured before he will allow them to be driven any further. Wonder if these are samples of the mutton consumed in Portland?-McMinnville Reporter.

THE SKIFF MURDER CASE .- An exchange says it is reported that the detective who was working up the Skiff out doing any damage. murder case, says that seven men who stopped at North Powder hotel had never been seen since. There are nine men out now searching for the body of Skiff. It seems to be the general opinion at Union that the right gang has been caught, but that unless Skiff's body is found they will not be convicted.

EXECUTIVE APPOINTMENT.-The governor yesterday appointed R. J. Rogers "a delegate to represent the state of Orogon at a convention to be held at the city of Chicago, Illinois, on November 16th and 17th, 1886, under the auspices of the Consolidated Cattle Growers' association of public. the United States." Mr. Rogers is a resident of La Grande. Union county, and was formerly sheriff of Union county.

Called at declaring his intention of becoming a the Statesman office yesterday and paid citizen of the United States. CALLED.-Among those who called at their substantial respects (\$2 per year) were A. H. Kennedy, of Monroe, Benton county; Lafe Williams, of Dallas, Polk county; S. Higgins, D. B. Gray, of the blind school, and many residents of Sa-lem and immediate vicinity.

FROM WEDNESDAY'S DAILY.

FINE PICTURES,-Prof. G. P. Newell, general agent, is exhibiting at W. P. Johnson's photograph parlors some very fine enlarged pictures, the work of Mrs. Addie Whitney, of Philomath. One of these is the likeness of Rev. Hezekiah Johnson and another that of his wife, both early settlers and former residents of Oregon City, and both deceased. There are also displayed pictures of another gen-tleman and lady, and one of two girls, with sunny curls, together. They are so closely imitations of the originals that, by examination with a glass, all the lines and natural appearance of the eyes can be easily discerned, and every line and profile of the faces are plainly and faithfully portrayed. In many points this work is as fine as is often seen anywhere, and surely does credit to Mrs. Whitney.

TELEGRAPH TROUBLES .- Yesterday D. L. Remington, who lives near Hubbard, made complaint before J. O'Donald, justice of the peace for East Salem precinct, against A. A. Jack, toreman of the party now engaged in the construction of the new telegraph line of the Pacific Postal Telegraph Cable company, charging him with trespass. It seems he dug holes and set the poles for that line on Remington's land, contrary to both written and verbal notice not to do so. Deputy Sheriff Croisan arrested Jack and brough him to this city, where he pleaded guilty as charged in the complaint, and paid a fine of \$10 with \$35.95 costs additional and protest. He says the matter will be appealed, although no notice of appeal has, as yet, been filed.

WINKLEMAN INSANE. -On complaint of George Collins, superintendent, and Rolert Heddle, turnkey, of the penitentiary, yesterday, Fred. Winkleman, the boy murderer, sent from Baker county lately, to serve a life sentence, for manslaughter, was examined before County Judge T. C. Shaw, by Drs. W. H. Byrd and J. N. Smith, with H. E. Courtney as deputy prosecuting attorney, as to his sanity. He was declared to be insane, and was ordered to be committed to the asylum for the insane. Sickness and confine ment are given as the cause of his insanity, which is suicidal, and was shown in two attempts made on Friday last to take his own life, while confined in the hos-pital ward at the penitentiary.

"THROUGH YELLOWSTONE PARK."-Sedgwick post, G. A. R., is moving, it is understood, towards securing the presence of General John Gibbon, U. S. A., commanding the department of the Co lumbia, at this city on some evening in the near future, to deliver his lecture on "A Tour through Yellowstone Park." It is to be hoped they may be successful as the lecture is said to be a very interesting

TESTIMONY INSUFFICIENT.-In the trial of James Kelly, accused of the murder of Kalashua, the evidence proved insufficient, owing to the disappearance of Moran, the principal witness for the state, and the jury returned a verdict of acquittal. A man in this city is reported as having talked with Moran on Monday morning in this city, but what truth there is in the rumor is not known. He claimed to have seen him before the arrival of the Portland papers that centained the notice of his disappearance.

THE PROTRACTED MEETING.—The meeting at the Christian church continues, with good interest. The pastor preached an earnest discourse, at the close of which a young lady confessed her faith in the Redeemer. After the devotional exercises at 7 o'clock to-night, there will be an appropriate discourse, followed by the ordinance of baptism.

A PLEASANT TIME.—The basket sociable of the Woman's Relief Corps, at the Grand Army hall last night, was well attended, and a very pleasant time was enjoyed by all present. The allotment of lunch baskets by the cards of the ladies was a very pleasant feature, and the programme rendered was a good one.

To Washington .- Hon. Charles Shackelford and wife will leave to-day for a visit to Washington, D. C. Mr. Shackelford will probably tell Mr. Lucius Quintius Cincinnatus Lamar, who presides over the destinies of the Oregon swamp lands, something about those mountain-ous tracts, while at Washington.

FOR CALIFORNIA. -- Mrs. Mattie J. Scott and son left yesterday for Oakland, California, where she will visit her sisters Mrs. I. W. Gardiner and Miss Nellie Gilbert. She will be gone until spring time. Mrs. Scott accompanies Mrs. Frank Par-menter and Miss Loru Chapman.

W. C. T. U .- The ladies moved into their new room on Court street, yesterday. It was decided to hold a called meeting next Tuesday afternoon, when it is desired that every member shall be present to discuss the advisibility of giving a Thanksgiving dinner.

RUNAWAY.-Yesterday the black borse hitched to one of Savage's drays, and driven by Seth Wade, getting tired of standing around, started off on his own hook, and run down State street. He brought up at the barn, however, with-

Good PROGRAMME .- Among other atractive features of the programme for the elocutionary entertainment at the Willamette university chapel to-night, is a song by Miss Hallie Parrish, You should read the programme in another column, and attend.

EXECUTIVE APPOINTMENTS.—The governor yesterday appointed W. T. Williamson, M. D., of Weston, to be first assistant physician at the insane asylum, for the succeeding four years, and John E. McQuany, of Centerville, to be notary

FILED HIS INTENTIONS .- Jacob Mahley, a native of Switzerland, filed papers in the office of the county clerk yesterday

REPORT FILED .-- E. M. Lafore, admin istrator of John Smith, deceased, filed his semi-annual report of the condition of the estate, in the county clerk's office,

DISGUSTING HUMAN DEPRAVITY.

A Case of Rape .-- A Little Girl of Less than Ten Years the Victim of the Outrage.

Again this paper has to chronicle a ease of such eminent brutality, the contemplation of which is simply horrible. That, in this age of education and enlightenment, such brutes as do exist are allowed to exist out of asylums and penitentiaries, is something for which there is no remedy. The latest instance of human brutality that has come to light is of such a horrible character, as will curdle the blood of every lover of truth and honor and most of all of virtue.

George K. Jackson, warden at the penitentiary, went before Justice Payne in Salem precinct yesterday morning, and secured the arrest of Andrew Osborne and Joseph Osborne, Jr., brothers and men of noted, yet exceedingly doubtful character, on a charge of rape.

The complaint claimed that on Oct. 25, Andrew Osborne was guilty of commit-ting rape on Jennie Jackson, a little girl between 9 and 10 years of age, and on Nov. 5, Joseph Osborne, it was com-plained was guilty of the same crime. They were examined before Justice Payne, but the little girl, who has re-ceived horrible inhuman treatment, said that they were not the persons, so they were discharged.

She case is one of great peculiarity, not alone from the fact that the real criminals have not been found, but from the additional fact of the extreme tender age of the victim, and the fact that she has been made their victim for a time cover-ing several weeks. She had been attending school at the Academy of the Sacred Heart, and she claims that she first met a boy who gave his name as Frank, but the rest of his name she never learned. He enticed her away from school, and they used to spend the day along the river. He finally gained such control over her that, at his bidding, she would go to different stores in town, and buy cakes and fruit, having them charged to her father's account. This Frank whom she described as a smooth-faced boy, used to meet her between the East Salem public school and the academy. Then another man, who had evidently been posted by this fellow Frank, met her at the same place, and he decoyed her into a boat and took her across the river to Minto's Island, where he assaulted her fearfully, the effects of which are yet vis-

ible on her body.

These fellows, at last, began to make her presents of wearing apparel, one giv-ing hera "Jersey," another a bright col-ored cap, the possession of which she ac-counted for to her parents in numerous ways, at their instigation. A note from the Sister Superior of the academy, inquiring about her, caused the first investigation into the matter by her parents, with what a horrible result, the reader is

Collision.-On Tuesday, freight train No. 5 and an extra north-bound freight had a collision at Hubbard, in which the pilot of the extra's engine suffered con-siderable damage. The morning was foggy, and the extra was a little behind time, and ran into Hubbard on the regu-lar freight's time, railroad rules giving regular trains all rights of track over specials. The regular had run out on the main line to back in on the switch, when the first seen was the special bearing down on them at a rapid rate. The engineers of both trains reversed their en-gines, but too late. The engineer and fireman of the special jumped from their engine when they saw that a collision was unavoidable, but the engineer and fireman of the regular "kept their seats." The damage was slight, and no one was

BOND FILED. - Yesterday Magloire Benjamin, administrator of the estate of Gilbert Ladeaux, filed a bond in the sum of \$36,080, with Gustave Glasor, M. Goodman, Wm. Darst and J. W. Thornbury as securities for the faithful performance of the duties of administrator of the es-The bond was approved by County Judge Shaw.

VERDICT FOR DUMBLETON. - In the United States circuit court yesterday, the case of H. M. Dumbleton vs. Frank P. Talkington, was decided in favor of the plaintiff. This will return to Dumbleton the possession of one of the finest tracts of land in Douglas county.

ROAD OPENED. - Road Supervisor Matthews, of road district 64, has reopened the new road ordered from State street to Asylum avenue. The fences have been taken away and three small bridges have been put in.

TURNER ITEMS.

TURNER, Nov. 10, 1886. Family dances all the rage.

Ed. McKinney is in Eastern Oregon. Our drug stores have six clerks-three

Two foot races billed for Thanksgiving J. P. Cole, of Canby, Oregon, is visit-

home-folks here. A. Shaw and son Scott, of Waldo hills, were in the city last night.

Nellie and Frank Cook returned from a visit to Eugene yesterday. To-day is pay day at the mill and Bro.

lardner seems to be happy. M. Friedman, of Salem, and Dan Smith, of Hogum, were in the city yesterday. Alex. Potter has purchased the Reuben

Lewis farm east of town, consisting of 285 acres, for \$3,150. Several of our citizens go to Stayton on Sunday to the dedication of the new

church at that place. John Buhule, one of our best young men, departs for San Francisco to-mor row. Success to him.

Will. Shanks fell from the Santiam bridge, where he was at work on the 5th inst., and badly bruised his left foot. He s confined to his bed.

Will. H. Dunbar has nearly recovered from the twenty-foot tumble he recently experienced from the second story in the mill. Tumbles seem to be fashionable.

WASP.

Run Water.

The supreme court, by W. W. Thayer, associate justice, rendered a decisionTuesday, in the case of the famous "committee of fifteen" appointed by the legislative assembly to secure a service of pure water for Portland. The "committee," which consists of fifteen of the prominent citizens of Portland, had orrepresenting the Portland water company, asked for an injunction against the committee's prosecuting the work, which was not being able to publish it in full. The paragraphs con ain the points claimed by the water company, and the rulings of the supreme court are annexed:

Claims of the Water C.:—That the lsw was against the original charter of Portland, which says that the city of Portland is not bound by any contract or in any way liable thereon, unless the same is authorized by the city ordinance, and made in writing or by order of the city council. This they claim was being amended without that amendment being in the title of the bill as passed, and as required by the constitution of Oregon. On this point the court held that "it is undoubtedly true that a section of a stat-

nte of this state cannot in terms be amend-

ed by a mere reference to the title of the

act containing it. But that a subsequent statute cannot be enacted affecting the provisions of a prior one without setting forth and publishing the prior provisions as amended does not follow. The city is not bound (under its original charter) by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, etc. The amended act under-takes to make the city liable upon bonds to be issued in its name by the commit-tee. This would seemingly change the former provisions, but does not do so in fact. The contract referred to in section 143 (the original charter) must have been such a one as a city ordinance could properly authorize, a contract which the city was empowered to enter into. The amended act introduced another subject in the city affairs; one which the city heretofore had no control over. It could not contract for the construction of water authorized by an ordinance of the council, but not upon any contract that can now, or could have been authorized by any ordinance which that body then possessed. This special act has unshorn the council of no power it then possessed. If said section 143 is read according to its meaning, as before indicated, it will be found not to have been altered, or changed in the least by the subsequent The objection that this act or this part of the act was intended as "covert egislation" cannot be sustained.

Claims of Water Co.-That the mem bers of the water committee are city officers, and are not required to take an oath ed under the constitution, before entering on the discharge of the duties thereof would be required to take an oath to support the constitution of the United States and of Oregon and an oath of office.

Judge Thayer said this opened the

question as to whether they were efficers under the constitution, and he held that the only officers under the constitution were officers named in the constitution. He held that this committee was appointed not to execute any other law than the one passed providing for furnishing water to the city of Portland, and cited a Kentucky case, very similar, where a county judge was authorized to appoint a board of commissioners, and authorize them to build a courthouse at a cost not to exceed \$50,000. There, the supreme court held that these commissioners were not officers under the constitution, but simply the mere agents of the district required by the act to discharge certain duties, with reference to the building of the court-house. "It might be said that the act need not require the members of the com mittee to take an oath of office, and still gash in the forehead cut by the horse's be valid, even if they came under the de-nomination of officers under the consti-tution, as the clause in the constitution who heard the cries for help, came to his tution, as the clause in the constitution upon that subject is a law that executes itself, and requires no enabling act for that purpose. But we prefer to place our

water commissioners are officers whose term of office is required to be limited by the clause of the constitution contained in sec. 2 of article 15.

In this relation, Judge Thayer says:
"The words 'elected or appointed to any
office under the constitution' do not occur in said section 2 of article 15. The lan-guage there is simply that the legislative assembly shall not create any office the term of which shall be longer than four years." (The water commission which it is intended to manage the water works after their completion is to be appointed by the governor, and to hold for two, four, six, eight, and ten years, and after ward for a term of ten years. | "But still I cannot persuade myself to believe that they are such officers as said clause refers to, that they will be any more than agents for the city under the act, the same as the members of the water committee. left in the legislature a supervisory power over municipal corporations, * * * which may be exercised in accordance with legislative discretion.

Claims of the Water Co.:- That the

ANOTHER IMPORTANT DECISION.

The Act of the Legislature Sustained, and Portland Will Have Bull

Run Water

the subject be stated generally. It is not necessary that the title specify the object in all its particulars. The provision of the constitution was adopted to prevent the blending of incongruous subjects in the same act, and using the title as a deception.

Claims of the Water Co.:- That the legislature had no power to authorize the water committee to issue bonds in the name of the city, and to make it liable for their payment.

This point was considered the most pertinent one introduced against the legality of the act, but the court held that the legislature had not attempted by this act prominent citizens of Portland, had or-dered work to be proceeded with on the construction of a water system leading "It has simply undertaken to supply its from Bull Run, a branch of the Sandy river, to Portland, when John B. David, from a point beyond the city limits and to accomplish it in the manner pointed out in the act: and if that is a matter of public interest, then the legislature had mittee's prosecuting the work, which was granted. The committee then filed a demurrer to the complaint of the water stitution of the state has deprived it of the company, but the circuit court refused to sustain the demurrer. The matter was appealed to the supreme court, and public benefit. "In the present case," appended below is a brief digest of the says the opinion, "the benefits are decision on the several points, on which shared by a large portion of the public dithe water company set up their claim that the act was unconstitutional. As any class of cases in which the right of will be seen the court has decided that eminent domain is more justly or wisely the law is good and will hold. Justice
Thayer's decision is a good one, and full
of interest, and this paper is only sorry at
not being able to publish it in full. The water, provisions equally necessary to the health and the safety of the people." It would be a clear case of departure from the rule that the legislature has power to decide what is for public use, that would justify the court in determining such an act invalid. The legislature has decided, the court concluded, that the city of Port-land needed a supply of pure water—that it was a public necessity. "It seems to me that this act bears upon its face ample proof that its object and design were to promote the public good, and that it is the exercise of a power that is govern-mental in its nature." The court, in holding the matter to be of a public nature, claimed its right to take judicial notice that Portland was the metropolis of the state, and that owing to its commercial relations, citizens from every part of the state went there for numerous reasons, and that thus the advantages of its having a good water supply become mu-tual and public, and that the act was not a scheme to advance the interests of any private individual. Then continues Thayer, J., "if I am correct in the con-clusion, then the legislative assembly had an undoubted right to appoint agents to enforce its provisions and to authorize the issuance of the bonds in the name of the city." The decree of the circuit court was reversed and the respondent's complaint dismissed.

ASSAULT AND BATTERY CASE.-Yesterday morning, W. J. Culver, who is teaching in school district No. 40 (Central Howell Prairie), was arrested and brought before Justice O'Donald, in East Salem precinct, charged with assault and batworks by city ordinance. The city now tery, committed on the person of D. S. may become liable upon a contract not Savage, a student in his school. Savage savage, a student in his school. Savage is about 10 or 11 years of age, and was quite unruly, when the teacher punished him by whipping him with a switch. He probably whipped the boy with more severity than was intended. The case was postponed until 9 o'clock this morning and Culver grave bonds in the sum ing, and Culver gave bonds in the sum of \$50 with W. B. Culver and F. Levy as sureties for his appearance. The matter of corporal punishment in schools, is a peculiar one; and all courts before which the question has been at issue, have decided that the teacher has the right to inflict corporal punishment, with kindness, prudence and propriety, and it has been held that when the punishment of office, against the provisions of sec. 3, is reasonable, he cannot be prosecuted art. 15, of the constitution, which provide that every person elected or appoint-case, the whole matter will probably hinge on the question as to whether the punishment was excessive or not. The law is well settled that the teacher has the right to exact from his pupils, obedience to his lawful and reasonable com-mands, and to punish disobedience. If in every case of corporal punishment in-flicted in school, the teacher were to be liable to prosecution for assault, such a thing as discipline in the schools, unless many students now refractory, would be-come more susceptible to the "power of love," would soon be a rarity.

Two Points of the Compass Injured.— Walter East and Albert West of this city, while driving a butcher's wagon on Third street about 6 o'clock last evening ex-perienced a serious runaway accident. The team became frightened, and before they could be stopped ran into the canal. Both men, who were sitting upon a high butcher's rack. were thrown off. went east into the canal below the team, and East went west into the water under the horse's feet. He received a severe rescue and assisted him into the resi-dence of Jack Burkall, where dry cloth-ing was procurred. West was uninjured, decision of the point upon the merits of the question presented."

but received a thorough wetting and lost his hat. The wagon tongue was broken and the wagon was left in the ditch. but received a thorough wetting and lost Young East was taken to the office of Dr. Maston, where the wound upon his forehead, a gash about two and a half inches long, cut to the skull, was sewn up. His injuries though severe, will probably not prove serious.—[Albany Herald.

WHEAT.-There is an apparent inactivty in wheat movements, owing probably to the lateness of the opening of steamboat navigation, although there is a beavy movement by rail reported. tations remain inactive, the Salem Flouring mills offering 61 cents. There is an active demand for mill feed, however, which the mills find it hard to fill,

Appointments,-The governor has appointed H. F. Mayer, of Sheridan, Geo. E. Chamberlain, of Albany, and Edward The court held further that, while the legislature could not elect officers for a municipal corporation, "there is however W. T., to be a commissioner of deeds for

More.-Another lot of superfine toilet soap, direct from the factory, received at subject of the act is not expressed in the Ports' drug store, 100 State street. In title, in accordance with sec. 20, article 4, | buying from them you save middle-men's of the constitution of Oregon.

The court held that "it is sufficient if stock from which to select.